

MINUTES  
PLANNING BOARD  
April 15, 2003

Those present: Helen Lemoine, Carol Spack, Ann Welles, Tom Mahoney, Larry Marsh\*  
Also present: Jay Grande, Karen Margolis

The Chairman noted that the Administrative Items would be heard at 9:30 and at the end of the meeting.

I. Public Hearings for amendments to the Framingham Zoning By-Law

Donna Jacobs and Karen Margolis were in attendance. Karen referred Board members to Item #451-03 which is the background for Town Meeting. The background material is brief on Article 6 (mixed use affordable). Karen said in entire Over 55 article is not in the warrant because of its length but it will be in the backup material. The document is 10 pages long. Town Meeting members will receive the full packet on Article 7 (Over 55 zoning) Karen said. Helen said when the Board makes their presentation, the items which were changed from the original should be noted for Town Meeting members. Karen said there is nothing in place that requires Over 55 but the article provides for a larger density and more of a cluster on a single lot. The Over 55 is marketed for that use. It is not a restricted use however. Tom said the developer at 45 Nixon Road was considering self-imposing an Over 55 restriction. Board members agreed to submit the background document as presented by Karen.

Helen opened the public hearing and read the notice into the record. Members from the Planning & Zoning Committee were present.

Article #39: Special Permit for Limited Accessory Structures Donna Jacobs, Senior Planner said the article introduced a new special permit procedure for limited accessory structures. She said there is an exemption under the Building Code that is less than 120' or smaller, i.e, pool houses, sheds, gas and oil tank covers, etc.. The ZBA sees a tremendous number of applicants for site variances on their lots and this will establish a special permit to address those types of issues rather than issuing a variance. Tom asked how the special permit would be different from the variance. Susan Craighead, associate member of the ZBA addressed the question. A variance is something that should be used to address something specific about the land and not address the situation where you would allow a slight change. A special permit allows criteria and direction as to how the special permit would be exercised. The special permit would be limited to something that is not detrimental to the neighborhood. The difference with a variance is there is something on the lot precluding the location of what is being proposed. Donna said through the excessive zoning by-law amendments, 75% of the lots in Framingham are pre-existing, non-conforming. That means anyone who wants to place an accessory structure on a lot has to appeal to the ZBA for a variance presently. The accessory structure will be limited in size and height and Susan said the special permit will allow flexibility. Susan said residences would have to meet ½ of the setback in the special

1 permit. If there are variances granted it leaves the town open to litigation, Susan said.  
2 With this criteria it makes it easier to work with individuals not open the town to  
3 potential lawsuits in responding to an appeal. Tom O'Neil said in terms of the residential  
4 zone it requires 1/3 of the setback. He said the Standing Committee on Planning &  
5 Zoning voted 7-2-2 in favor of the article. An amendment was made to delete "subject to  
6 the dimensional requirements". It was an acceptable amendment, Donna said. Tom said  
7 the other comment was, while they supported it, he was not clear that having a special  
8 permit was better than having a variance. A variance is harder to get. He said there are  
9 many sheds that are up against the lot line. Most sheds were put up without ever having a  
10 permit for them. The State building code does not require any permit for anything  
11 smaller than 120' square feet. In many residential homes of 1500-1800 square feet, that  
12 is the size of a room compared to the house. Tom was concerned with interpretation to  
13 detriment of the neighborhood in regards to location of the shed. He suggested possibly  
14 limiting placement of the shed to the rear of the property rather than the front. Ned Price  
15 addressed the Board. He said he abstained on the vote. He said while it was true that it  
16 applied to sheds less than 120' square feet and those that are larger will need a variance.  
17 People that do not need a building permit are likely to not know what the zoning  
18 requirements say and are more likely to put the shed on the lot line. Karen said the article  
19 enforces someone to not put the shed on their lot line. Ann said the structure could not be  
20 placed in the front yard and noted there are lots in town that lot size is limited. Ann said  
21 for some lots it may make sense to allow the side line to be used to keep it tucked in the  
22 farthest back corner. Susan said this is still discretionary. A special permit will speak to  
23 the issue of detrimental because of the review process. In A, B, and C the word "may"  
24 should be changed to "shall". Jay thought the article covered the concerns. Ned Price  
25 said on a point of clarity, you are not permitted to build a shed 3' from the lot line.

26  
27 **Motion by Tom Mahoney that the Framingham Planning Board support Article #39**  
28 **as modified here this evening and indicated in document #398-03, the modification**  
29 **in the zoning by-law for limited accessory use structure. Motion was seconded by**  
30 **Ann Welles.** The amendments were deleting the word "may" and replacing it with  
31 "shall" and striking the wording noted in the Planning & Zoning Committee vote and  
32 motion. Ann said she thought this would be useful in the historic district. **Vote: 4-0.**  
33 **Larry Marsh was not present for the vote or discussion.**  
34

35 Article #40: Non-Conforming Building Structures and Use Susan said the article sets  
36 for a clear definition in Chapter 40A for the lawful pre-existing building and structure  
37 and the lawful preexisting non-conforming use. Susan said that this is for something that  
38 was in existence prior to the zoning code or amendment, it affects the existing structure  
39 and use. It deals with pre-existing non-conforming uses and pre-existing and non-  
40 conforming structures. It permits a change or alteration to a pre-existing non conforming  
41 structure in certain circumstances by special permit. One of the considerations is that  
42 under Chapter 40A, section 6, it states the use can be altered considered there is a finding  
43 that the change is not more detrimental. Susan cited the case of the dry-cleaning business  
44 that was before the ZBA. They wanted to change the use from auto body to dry-cleaning  
45 and there was a question if the ZBA had the power to do that. Without having specific  
46 criteria for that, it went before Town Meeting for zoning instead, she said. Another

1 component in the section allows under the residential use, one or two family residential  
2 structures are allowed to be changed without zoning relief as long as it does not increase  
3 the non-conformity. She said this article will help provide further definition. A special  
4 permit will allow limitations as well. Tom O'Neil said the Committee on Planning and  
5 Zoning voted 4-7-0 on this article. Ned Price said it addresses adequately the problem in  
6 that it defines the actual structure. He said there are many homes that were built on 20000  
7 square foot lots that are now acre zoning. Anytime a homeowner wants to do anything on  
8 the lot, it requires a ZBA variance at present. Ned objected to removal language in  
9 section 4 of the present by-law. The more troublesome component is the extension of the  
10 use by special permit. Ned said it was related to them that all decisions made by the ZBA  
11 are subject to legal challenge and he thought that was the major reason for this by-law.  
12 He said in the case on Concord Street where the bordered up gas station was converted to  
13 a dry-cleaning establishment, it was true it was turned down by the ZBA. Part of that  
14 reason is because it was in the residential zone. The ZBA is not supposed to give use  
15 variances whereas they can give extensions in business zones. Ned thought the article  
16 needed further study. Karen explained that if the structure is already built, it becomes a  
17 pre-existing non-conforming. It grandfathers the existing structure. David Norton, of the  
18 ZBA addressed the Board. He said 90% of the language was driven by cases heard by the  
19 ZBA over the last two years. He cited a case where the house burned down while an  
20 addition was being added and the homeowner wanted to rebuild and include the addition.  
21 If that were to happen in Framingham, they would not be able to build the addition under  
22 this by-law. Donna said the property would have to meet the dimensional requirements.  
23 Jay said he thought every by-law had this except Framingham. Ned suggested language  
24 such as "In such cases the total floor area of the reconstructed floor area or building shall  
25 not exceed the total floor area of the prior building or structure if that floor area was  
26 declared the reason the structure or building was in non-conformity." Donna suggested  
27 re-wording the last sentence to address that language. Ned did not want to see houses  
28 burned down and double size homes being built on the lot. David said that was not his  
29 intent. Jay said the absence of these provisions has caused a lot of confusion over the  
30 last 6-7 years. Tom O'Neil suggested putting this off until a fall Town Meeting. Donna  
31 said the article could be dealt with in two separate sections to make it easier to  
32 understand.

33  
34 **Motion by Tom Mahoney that the Framingham Planning Board recommend that**  
35 **article 40 be referred back. Seconded by Ann Welles.** Helen asked for public  
36 comment. Susan said thought it imperative that this type of provision be done. Helen  
37 said the Board agreed with the concept but would like more clarity in the format. Dave  
38 said most of the changes have been positive but he understood the concerns. **Vote: 4-0.**  
39 **Larry Marsh was not present for the vote or discussion.**

40  
41 III. Public Hearing for preliminary Subdivision Plan, Brookbury Subdivision, 97  
42 Brooks Street, zoned Single Family Residential, R-3 District.

43  
44 Helen read the public notice into the record. Joe Sullivan was present for the Applicant.  
45 Helen referred Board members to document #251-03. Document #270 is the  
46 Conservation review and #357-03 which is Fire Department letter. There is an

1 unnumbered letter from the Building Department. Helen stated it is a preliminary  
2 subdivision plan. Joe provided an overview of the project. Joe showed the locus map  
3 which showed the area. The proposed road is opposite Salvi Road. The right side abuts  
4 St. Jeremiah's church. The rear of the property abuts the aqueduct. The proposal is for a  
5 60' roadway with a turnaround at the end with 5 proposed houses. There is town sewer  
6 available. There was a staff meeting on the project. There were concerns with the  
7 grading at Brook Street and drainage in terms of the structures, Jay said. Joe thought they  
8 could be answered in the definitive stage. He said the only place to put a detention basin  
9 is at the end of Brook Street. Joe said the Fire Chief wanted the water line looped. He did  
10 not know if DPW wanted that. The Building Commissioner had questions on whether  
11 the lots were legal and he said there are two sections in the zoning by-law that state how  
12 you lay out lots and he thought there may need to be an interpretation on that issue. One  
13 section says that you have 100' frontage and another sentence says 100' of width. Joe  
14 was not aware of other questions or comments. Jay said the Police Department and  
15 ConCom have yet to submit letters. Jay said whatever determination the Board makes  
16 can be part of the decision and can be addressed in the definitive.

17  
18 Carol said it was a wooded site and she encouraged house situation to allow trees to  
19 remain. The applicant said he was not sure of the layout at this point. Tom asked about  
20 lot #1. There is not an existing house there now. Tom noted the roadway goes through the  
21 parking lot of the church. Joe said they intend to replicate parking. There is an area up to  
22 the rear of the lot where spaces can be replicated. Ann asked about St. Jeremiah's  
23 becomes the existing structure with the 5 additional. Joe said that was correct. Ann asked  
24 about visual buffering from the church and new subdivision. Joe said there is a  
25 temporary construction easement area they intend to landscape. The church has asked for  
26 some type of landscaping to buffer the view. There are going to be trees between the  
27 road and the line of sight, he said. Ann asked about the impact to the abutters. The  
28 applicant thought there would be some additional tree plantings to provide some privacy.  
29 He did not know where exactly they would be positioned at this point. The lots need to  
30 be reconfigured to determine that area, he said. Carol asked about the exit from the  
31 parking lot that would be in close proximity to the road. The applicant said the cars  
32 presently exit the lot all along the entire parking area. Carol was concerned with the  
33 proximity of the street opening. Joe said the parking area was open to the street at all  
34 points. Helen suggested reaching a solution that would be acceptable to the board and the  
35 church and developer. Ann asked about the island in the cul-de-sac. It will be  
36 landscaped and it is a 22' radius. The Town Engineer had requested a smaller one but  
37 had not indicated the reason, Joe said.

38  
39 Helen said this is an opportunity for the developer to raise controversial issues in the plan  
40 and obtain a sense of the Board in terms of the request of any waivers. They are not  
41 seeking any waivers for this project. A preliminary plan has 7 months to file for a  
42 definitive plan. The preliminary plan is voted on by a majority vote of the Planning  
43 Board and a definitive is appeal-able but a preliminary plan is not, Helen explained. Bob  
44 Woods said he north of one of the abutters. He said there is only one storm drain in that  
45 whole area and he asked if the applicant considered any road improvements in that area.  
46 Joe said they are proposing a system of leaching basins which would take the drainage

1 back into the ground. The Town Engineer does not want them to do that so that is an  
2 issue that has to be worked out, Joe said. Bob said the walkway that connects Brook to  
3 the school, is wet and he asked about drainage. Joe said the town's drainage plan uses a  
4 pipe that goes out to Brook Street. Bob the low point is the backyards of two abutters  
5 and he wondered if there were any problems with run off from the new development. Joe  
6 said the drainage from the area is going that way but by putting a house in some of the  
7 flow will be stopped since grading will go toward the street. He said they intend to put  
8 swales in but if the Town Engineer will not allow the property to be leached, that will  
9 need to be worked out. Jay said if the hearing is continued it has to be with the  
10 agreement of the applicant. Ms. Coppel asked about the setbacks. The setback for a  
11 house needs to be 10' in that area but they will be farther back from that. Joe suggested  
12 60'. Joe said the definitive plan will require more detail in regards to tree cutting, etc.  
13 Jay asked if lot #1 would access off the new subdivision road. Joe said would exit onto  
14 lot #1 and not Brook Street. Joe said he would not like to cut it out as an ANR lot but  
15 would agree to do provide a driveway. There is a proposed town easement in the left  
16 quadrant. The applicant was willing to grant an extension for the Board to obtain the  
17 necessary reports. Ted (inaudible) mentioned lady slippers. He said that is an endangered  
18 plant which requires additional review and asked who would do that. Helen said a  
19 preliminary report from ConCom had no issues. Helen said that will be pointed out to  
20 ConCom. Kathy Vassar said there are restrictions with regards to lady slippers. Jay said  
21 any photographs would be helpful. Tom did not think ConCom would have jurisdiction  
22 over this because they are not a wetlands species. Jay said they may have mapping for  
23 wildlife habitat and species. Ann suggested a re-planting of the lady slippers. Joe did not  
24 know if they were transplantable. Ann said if you use New England Wild Flower  
25 techniques they can be transplanted. Joe said most towns do not hold public hearings on  
26 a preliminary plan but this is an opportunity for the public to hear about the proposed  
27 project. A definitive plan would show a rough location of the houses on the plan and  
28 more detail and is required to be a public hearing process, he said.

29  
30 Helen stated the hearing would be continued to May 13, 2003 at 8:00 p.m.

31  
32 VI. Public Hearing for Definitive Subdivision Plan, Modification to a Scenic Road  
33 and Public Way Access Permit, The Sanctuary at Hop Brook, 49 Edmands Road, zoned  
34 Single Family Residential.  
35

36 Helen stated this was a continued public hearing for a subdivision plan off Edmands  
37 Road. Larry Marsh joined the Board. Rob Gemma stated the proposal is 4 additional lots  
38 in addition to the one lot that is there presently. They are proposing a 500' cul-de-sac and  
39 4 building lots behind the existing house. The overall site is 8 ½ acres. There is an open  
40 space parcel that runs along Hop Brook. He said that is 30% of the parcel. The land is  
41 between a commercial area in Nobscot and residential area in North Framingham. He  
42 said the subdivision makes a nice transition. The zone requires one acre per lot, 100'  
43 frontage. There is 700' from the intersection of Water Street and Edgell Road. There is  
44 excess site distance on Edmands Road at the access point he said. Rob said they will  
45 apply with ConCom shortly because Hop Brook is a perennial stream under the wetlands  
46 protection act. The open space will be deeded to the homeowners association. Storm

1 drainage at the site filters into the back end of the cul-de-sac. There is a detention pond  
2 that will drain the storm discharge. The sewer extends 400' east toward the intersection  
3 at Nobsoct. It will be extended through the property. The DPW wants sewer extended to  
4 the property line so it can be extended further north in Framingham which would be a  
5 benefit to the town, he said. The water system will be looped through the roads. The  
6 applicant met with Engineering staff and heard other staff issues. He said they are  
7 working with DPW, Fire, Police and Board of Health. The preliminary decision did grant  
8 a waiver to vary the roadway right of way to 70' and the plan depicts that. He said it  
9 allowed more flexibility in citing the houses. He said the DPW prefers not to have  
10 landscaping in the island or sidewalks. He said he was aware that Jay's opinion differed  
11 from that. Rob said they would take direction from the Board.

12  
13 Full landscaping plans for the detention area, the islands and site are in the package, Rob  
14 said. The desire was to move the detention area and that has been done he said. It is 120'  
15 farther away than shown on the preliminary plan. It is 120' from the property line. It was  
16 mentioned there is a scenic road hearing tonight and the project necessitates the removal  
17 of two trees. The trees were pointed to on plans. There is a stone wall on the property  
18 that acts more of a retaining wall than a dividing wall. He did not think it necessitated any  
19 action under the scenic road by-law. The wall is entirely on the property and it actually  
20 works as a retaining wall on the property.

21  
22 Jay asked Rob about the detention basin and the requirement that it is on it's own lot.  
23 Rob said it is on an open space lot. Carol asked about future use of the current building.  
24 It is currently under non-conforming; it will not be used for residential use. Ann asked  
25 about the removal of the two trees along Edmands Road if they do remove them. They  
26 have a tree planting plan that exceeds the subdivision plan but would be willing to plant  
27 along Edmands Road. The proposal is to leave the barn that is on site but there is a  
28 proposal to remove one narrower portion of the barn to accommodate utilities. Rob said  
29 they intend to refurbish it to some degree. They will seek demolition permit from the  
30 Historic Commission. The applicant said in regards to a 21-E, they removed the garage  
31 floor and tested the soil. There was no contamination. They backfilled everything and  
32 poured a loose concrete slab. There were concerns of the lender about the 21-E but it was  
33 resolved to their satisfaction. Kathy Vassar said at the preliminary she raised the issue of  
34 the 21-E. Several long time residents of the precinct expressed concerns about the site  
35 and hazardous materials relative to the garage use. She said the catch basin issues were  
36 addressed but there were concerns of dumping of waste on the property behind the  
37 garage. Helen said input will be asked on that. Steve Orr asked about procedure with the  
38 retaining wall and the scenic road. It is not in the public way so it does not fall within that  
39 purview. Carolyn Van, an abutter asked about tree removal and the size of the trees.  
40 Helen said the 12" trees are flagged on the detail plan. Rob said there will be a final  
41 grading plan that will denote the trees. The plan this evening shows the areas of the lot  
42 lines but not specific placement. Rob said most of the 30' setback from the structure  
43 would be undisturbed.

44  
45 Jay recommended Board members look at the side line and consider a no-cut, no-  
46 disturbance buffer. Ted Anthony asked about the area on the west of the site. Rob said

1 that would be leveled when doing the road and would be replanted. There is not too much  
2 in that area presently, he said. There will be a number of street trees planted. Ted  
3 suggested some additional screening other than the 2" caliper trees along the roadway.  
4 Ted said any renovations to the existing barn and house should be given serious  
5 consideration. Rob said there are structural problems with the house. The barn seems to  
6 be structurally sound and it will be refurbished. He was not sure if the house would be  
7 included in any plan. Rob said the Building Department has issued an opinion on the  
8 pre-existing, non-conforming use of the barn. The intention is to bring that to residential  
9 use and the barn will run to the lot. It will be an ancillary use to the house lot. The  
10 business that is operating out of the barn presently will not be able to remain. Joe  
11 Buckley, closest resident to the detention pond, addressed the Board. He asked about its  
12 exact location. The area is approximately 10,000 square feet or ¼ acre. Rob said the  
13 bottom of the pond is at 216' and the top is 220'. During a 100 year storm there is 3' of  
14 water. During a two year storm it is 2 ½' water. It is graded at 3 to 1 slopes. Within the  
15 plan it provides for evergreen screening along the sides. There is quite a bit of elevation  
16 change between Mr. Buckley's home and where the property is. Jay said the pond at  
17 Brimstone is more manicured and this is more naturalized he said. Michael McCarthy,  
18 Managing agent at Edmands House Apartments addressed the Board. He said he thought  
19 the garage was originally used as an electrical shop and has since been used by other  
20 businesses. Any expansion of a pre-existing use would be a concern, he said.

21  
22 The 350' sewer line extension will require blasting along the frontage of Edmands House  
23 and he wondered what provisions were taken to safeguard the property for damage  
24 caused by the blasting, if any. Edmands House is 190 units constructed on concrete piers.  
25 The structures are less than 35' from the scope of the blasting if it should occur. Helen  
26 said the barn will move into residential use once the project is complete. Jay said the Fire  
27 Department is the overseer of blasting and permits in the town. He said there is blasting  
28 protocol and pre-blast inspection. Jay will get a copy of the regulations to Michael. The  
29 regulations are specific and outlined by the state. It is not under the Board's direct  
30 jurisdiction. Mr. Talik, 124 Edmands resident asked if a traffic issue was looked at in  
31 regards to pulling in and out of Edmands Road. Jay said the Police Department did  
32 report that he did not see any issues regarding site distance or emergency access.

33  
34 Helen said the public hearing would be continued to May 5, 2003 at 8:15 p.m.

35  
36 IV. Review of Decision for Special Permit for Planned Unit Development, Villages at  
37 Danforth Farm, off Danforth Street, zoned Planned Unit Development District

38  
39 Helen noted this was not a public hearing. Attorney Peter Barbieri and Jack O'Neil of  
40 National Development were present. Helen said the purpose of tonight's review is to  
41 review the decision for language and to take up the tabling vote on the issue at the last  
42 meeting. Jay said amendment to condition #9 was underlined to denote the change.  
43 There was a clarification regarding occupancy and building permits. He said there was a  
44 lot of discussion at the hearing and what was not captured was occupancy and phasing.  
45 That has been clarified and underlined, he said. There is a reference to conditions 36 and  
46 37 which should be 37 and 38. There are some general housekeeping items in terms of

1 references that need to be corrected. Larry referred to the handwritten language written  
2 on Exhibit A. Jay said items #9, 10 and 11 are reflected by the handwritten notes. Phase  
3 1 is defined as 50% of the units in terms of traffic. Phase 2 is defined as all other units in  
4 terms of mitigation. Ann said the unit does not constitute the closing of Phase 1 but the  
5 traffic. She suggested eliminating the phrase “constitutes completion of phase 1 as  
6 identified on Exhibit A” and after the words “identified in” insert “phase 1 in”. Before  
7 they receive occupancy they have to notify the Board there is a problem. “At least 30  
8 days in advance of the applicants request for the Certificate of Occupancy of the first  
9 unit, the applicant shall notify the Planning Board in writing concerning any potential  
10 delay or improvement identified in Exhibit A...”. Tom asked about Phase 2. Peter said  
11 they do not have to do those until they get to the 333 unit. The same paragraph would  
12 apply to Phase 2. Tom wanted to make sure it was consistent. Board members agreed.  
13

14 Paragraph 3: Ann asked about calling out specific location in the event that Wayland  
15 does not allow a traffic signal at West Plain. Larry said he recollected that Art said the  
16 Board would have to go back and look at the traffic study to determine where it would be.  
17 He said it not in the language. Ann and Tom pointed to where that was required. On A-4  
18 there is comment on that issue, Jay said.  
19

20 Bottom paragraph: Reference to #36 and 37 should be 38 and 39. Larry asked in  
21 regards to the items in 37 and 38 should there be something in there about getting an  
22 estimate. Larry said as he reads it, the \$400,000 goes to 38 and 39 and any other  
23 mitigation before the Board can do anything with it. Jack said the last sentence  
24 authorizes the Planning Board to approve the expenditures. Larry wanted the opportunity  
25 to review estimates of cost for the sidewalk installation on OCP.  
26

27 Page 1: There were no changes.  
28

29 Page 2: There were no changes.  
30

31 Page 3: There were no changes.  
32

33 Page 4: Paragraph 3 speaks to square feet and everything else is acreage. Jack said it was  
34 important to FAR and therefore that reference was left as square feet. The FAR is at .32  
35 and they are below that. The gross square footage will not change. Larry said in  
36 reference to Exhibit D, (Phasing of the Master Plan) there is no designation as to when  
37 the open space or common areas become available. Helen thought it was in the text.  
38 Peter said it is referenced page 19, #33.  
39

40 Page 5: Ann referred to 3<sup>rd</sup> paragraph from bottom. She thought the Board should refer  
41 to “attached as Exhibit C”. Jay said the language records that there were multiple reports  
42 and Exhibit C is a specific report. Ann concurred.  
43

44 Page 6: Ann referred to second paragraph. It should say “Section 3.J.3 of the by-law”.  
45 Ann referred to “Findings” and asked for the insertion of the “of”.  
46



1 Page 7: Ann referred to last paragraph of “Purpose and Intent”. The word phase should  
2 be “phases” and delete “determine whether” and change to “ensure”. Delete reference  
3 to Exhibit C at the bottom of the page.  
4

5 Page 8: Reference that plans were reviewed by town departments should include  
6 reference to review by the board’s consultants.  
7

8 Page 9: Ann referred to second sentence. The estimated cost of the “construction” of the  
9 entire project is \$90 million.  
10

11 Page 10: Larry asked about the first paragraph. He asked that reference to the board’s  
12 consultant be included. First paragraph after the sentence starting “The Planning Board”  
13 add “and it’s consultant Ryan Associates”.  
14

15 Page 11: The public open space is opened once all the construction activity is over in  
16 that area. It is released in a phase by phase program. As part of the submittal, the open  
17 space release will be addressed. Larry asked in general in terms of the canoe landing,  
18 would it be Phase 1. Jack said it is subject to permits and approvals from Conservation  
19 and Sudbury River Valley. Under the phasing, the canoe landing is not part of Phase 1.  
20 The trails vary and are in different phases depending on where they are within the site.  
21 Based on the phasing, a proposal will be composed at each phase of the site plan.  
22

23 #2 state “The” plan.  
24

25 #3 add ‘s’ to word require.  
26

27 #5 insert (Exhibit D) after “the phasing plan”.  
28

29 Page 12: #8: reference Exhibits A, C and D.  
30

31 #9: add word “of” before “acre of land”.  
32

33 Page 13: No changes.  
34

35 Page 14: No changes.  
36

37 Page 15: Already done earlier  
38

39 Page 16: No changes.  
40

41 Page 17: first line: “Shall be in writing”.  
42

43 #21E under open space should include reference to canoe landing.  
44

45 Page 18: #29: change “by either...” to “by both...”  
46

1 Page 19: No changes.

2  
3 Page 20: #42: Larry thought it was weak. Larry suggested “The Applicant shall develop  
4 a TDM program that satisfies the TMA.” Helen said the TMA does not have a program  
5 that meets the residential needs presently.

6  
7 Findings: The history of the vote and re-vote does not need to be in the decision  
8 document, Helen stated. Jay said Joe Laiden of Wayland was sent a copy of the decision  
9 and notified of tonight’s meeting.

10  
11 Helen said the next action would be to take the vote to reconsider the actual vote of the  
12 special permit for planned unit development off the table.

13  
14 **Motion by Tom Mahoney that the Framingham Planning Board take it’s vote of**  
15 **reconsideration off the table. Seconded by Larry Marsh. Vote: 4-0. Members**  
16 **voting: Helen Lemoine, Larry Marsh, Tom Mahoney, Ann Welles.**

17  
18 **Motion by Tom Mahoney that the Framingham Planning Board on the application**  
19 **of National Development for a special permit for Planned Unit Development, PUD,**  
20 **the Villages at Danforth Farm off Danforth Street as indicated in document #422-03**  
21 **with modifications that were made this evening. Seconded by Larry Marsh. Vote:**  
22 **4-0. Members voting: Helen Lemoine, Larry Marsh, Tom Mahoney, Ann Welles.**

23  
24 **Motion by Tom Mahoney that the Framingham Planning Board authorize the**  
25 **Chairman, once the edits have been made, to peruse the document to ensure the**  
26 **edits have been made and have the ability to sign the decision. Vote: 4-0. Members**  
27 **voting: Helen Lemoine, Larry Marsh, Tom Mahoney, Ann Welles.**

28  
29 Miscellaneous Administrative

30  
31 Jay said there is a revised decision for 88 Blandin Avenue. The changes were  
32 incorporated that were made as a result of the Board’s discussion. The boiler plate  
33 landscape language was inserted. Ann had a question about the fence. The fence was to  
34 be installed as far back from the sidewalk as possible but that is not specifically noted.

35  
36 **Motion by Tom Mahoney that the Framingham Planning Board accept the revised**  
37 **language pertaining to Document #449-03 and #450-03 for 88 Blandin Avenue.**  
38 **Motion was seconded by Larry Marsh. Vote: 4-0.**

39  
40 Jay said GPI has submitted a 593 review proposal for CVS on Route 9.

41  
42 Sue, during her tenure had asked about Jay about drafting a letter to Ashland Housing  
43 regarding impacts to Framingham roads and he will do that.

44  
45 Jay did speak to the Town Manager regarding the budget. The upcoming cuts are more  
46 than he anticipated. Jay said the issue of consulting account needs to be resolved. He did

1 not indicate when he would be ready to approve authorizing part-time help on a  
2 temporary basis. Members felt Jay should pursue hiring temporary help and resolve the  
3 consulting budget later.

4  
5 Helen asked the Board to consider designating Sue Bernstein to remain as it's designee as  
6 representative to the High School Building Committee. Although she is not on the Board,  
7 the designee can be designated by the Board. Helen thought the appointment appropriate  
8 since Sue has served in this capacity in the past. Carol did not agree. Sue was present  
9 and said she has spoken to Town Counsel who indicated it was acceptable. In the case of  
10 the appointments to the and Open Space, language states it shall be a Planning Board  
11 member. Carol thought the Board should continue the discussion at a later date and  
12 perhaps a pool of candidates could be sought. Members generally suggested that Sue's  
13 expertise, the fact that she has served in this capacity over the past year, the High School  
14 Building Committee will continue to meet for the next 2-3 years and holds 2-3 meetings  
15 per month, and Sue's removal from the committee would create discontinuity. Larry said  
16 it be a reason to consider a change if a Board member was willing to sit on the remainder  
17 of the High School Building Committee term.

18  
19 **Motion by Tom Mahoney that the Framingham Planning Board appoint Sue**  
20 **Bernstein as it's designee to the High School Building Committee. Seconded by Ann**  
21 **Welles. Vote: 4-1.** Carol Spack voted in opposition.

22  
23 **Motion by Ann Welles and seconded by Carol Spack that the Framingham Planning**  
24 **Board adjourn their meeting this evening. Vote: 5-0.**

25  
26 Respectfully submitted,

27  
28 Nancy Starr-Ferguson  
29 Recording Secretary

30  
31 *\*These minutes were approved, with changes and/or amendments, at the Framingham*  
32 *Planning Board meeting of July 6, 2004*

33  
34  
35  
36 \_\_\_\_\_  
*Thomas Mahoney, Chairman*